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Filing date: **12/07/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91224607
Party	Defendant VNYL LLC
Correspondence Address	VNYL LLC 315 E FRANKLIN AVE EL SEGUNDO, CA 90245-3826 UNITED STATES nicholas@binaryforces.com
Submission	Answer
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Date	12/07/2015
Attachments	Answer Notice of Opposition.pdf(30559 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Trademark Application

Serial No.: 86531447

Mark: VNYL

Filed: February 11, 2015

Published on June 30, 2015

HRHH IP, LLC

Opposer,

v.

VNYL, LLC

Applicant.

Opposition No.: 91224607

ANSWER TO NOTICE OF  
OPPOSITION

## ANSWER TO NOTICE OF OPPOSITION

Applicant, HRHH IP, LLC through its attorneys, hereby answers the Notice of Opposition as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 1 and, therefore, denies all allegations contained therein.

2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 2 and, therefore, denies all allegations contained therein.

3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 3 and, therefore, denies all allegations contained therein.

#### FACTUAL BACKGROUND REGARDING THE APPLICATION

4. Applicant admits the allegations contained in Paragraph 4.

5. Applicant admits that it claims a first use date of November 1, 2014 in the Application but is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 5 and, therefore, denies the remaining allegations contained therein.

6. Applicant admits the allegations contained in Paragraph 6.

#### FIRST GROUND- LIKELIHOOD OF CONFUSION

7. Applicant incorporates the responses contained in Paragraphs 1-6 herein.

8. Applicant denies the allegations contained in Paragraph 8.

9. Applicant denies the allegations contained in Paragraph 9.

#### SECOND GROUND – LIKLIHOOD OF CONFUSION

10. Applicant incorporates the responses contained in Paragraphs 1-9 herein.

11. Applicant denies the allegations contained in Paragraph 11.

12. Applicant denies the allegations contained in Paragraph 12.

### THIRD GROUND – DESCRIPTIVENESS

13. Applicant incorporates the responses contained in Paragraphs 1-12 herein.

14. Applicant denies the allegations contained in Paragraph 14.

15. Applicant denies the allegations contained in Paragraph 15.

### DAMAGE TO OPPOSER

16. Applicant denies the allegations contained in Paragraph 16.

17. Applicant denies the allegations contained in Paragraph 17.

WHERE

### AFFIRMATIVE DEFENSES

1. Opposer lacks standing to bring this opposition.

2. Opposer has failed to state a claim for which relief may be granted.

3. Opposer cannot show how it reasonably believes that it will be damaged by registration of Applicant's mark.

WHEREFORE, Applicant respectfully requests that the notice of opposition be dismissed with prejudice.

Respectfully submitted,

FISCHBACH PERLSTEIN LIEBERMAN & ALMOND

Dated: December 6, 2015

By:    /Michael P. Martin/   

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Attorneys for Applicant

*CERTIFICATE OF SERVICE*

I hereby certify that on the 7th day of December, 2015, I served a true and correct copy of the above and foregoing ANSWER TO NOTICE OF OPPOSITION on:

Jill M. Pietrini

Sheppard, Mullin Richter & Hampton, LLP

1901 Avenue of the Stars, Suite 1600

Los Angeles, CA 90067-6017

Attorneys for Applicant, by depositing a copy thereof in the United States Mail, first class, postage prepaid.

\_\_\_\_\_/Michael P. Martin/\_\_\_\_\_

Michael P. Martin

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